

## Message Text

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43

ORIGIN EB-11

INFO OCT-01 ARA-11 ADP-00 COME-00 DOTE-00 SSO-00 TRSE-00

CIAE-00 INR-10 NSAE-00 RSC-01 L-03 INRE-00 /037 R

DRAFTED BY EB/ TT: ERO' CONNOR: VLV

5/11/73 EXT. 20316

APPROVED BY EB/ TT: RJWALDMANN

ICC - MR. BYRNE ( PHONE)

ARA/ MEX - MR. KING ( PHONE)

ARA/ MEX - MR. HAMILTON ( PHONE)

EB/ GCP - MR. WATKINS ( PHONE)

----- 038497

O 111846 Z MAY 73

FM SECSTATE WASHDC

TO AMEMBASSY MEXICO IMMEDIATE

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E. O. 11652: N/ A

TAGS: ETRN, MX

SUBJECT: RETURN OF US RAIL CARS

REF: MEXICO 3259 AND 3205

1. IN ADDITION TO ITS CONTINUING CONTACT WITH FNM AND TAKING INTO ACCOUNT ANY CONVERSATIONS UNDER SECRETARY CASEY MIGHT HAVE, EMBASSY SHOULD APPROACH GOM AT APPROPRIATE LEVEL MONDAY. SHOULD ADVISE OFFICIALLY OF OUR CONCERN RECENT INCREASE IN NUMBER US RAILCARS IN MEXICO AND BOTTLE-NECK AT LAREDO AS WELL AS DETERMINATION OF INTERSTATE COMMERCE COMMISSION TO ACT IN RESTRICTIVE MANNER IF THE DEPT OF STATE IS NOT ABLE TO CONVINCE THE ICC THAT THE FNM IS COMMENCING A MEANINGFUL PROGRAM PROMPTLY TO CORRECT SITUATION.

2. EMBASSY MAY DRAW UPON MATERIAL CONTAINED CHAIRMAN STAFFORD LETTER OF MAY 9 ( STATE 88972) AS BASIS FOR AIDE MEMOIR OR OTHER FORMAL COMMUNICATION. YOU MAY WISH TO NOTE  
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THE INDEPENDENT CHARACTER OF ICC UNDER OUR LAW AND THAT STATE DEPT AND OTHER EXECUTIVE AGENCIES HAVE NO LEGAL AUTHORITY RESTRAIN ICC IF IT IS DETERMINED TO ACT. HOWEVER, WE BELIEVE ICC WILL BE FLEXIBLE IN UTILIZATION OF ITS AUTHORITY IF WE CAN SHOW WILLINGNESS AND ABILITY OF GOM TO ACT. YOU SHOULD EMPHASIZE THAT WE ARE INITIATING

CONSULTATIONS WITH GOM IN ADVANCE OF POSSIBLE ICC ACTION IN ORDER TO GET FULLEST POSSIBLE PICTURE OF PROBLEM AS SEEN BY GOM AND TO GIVE IT MAXIMUM OPPORTUNITY DEVELOP ITS OWN ACTION PROGRAM.

3. IN PARTICULAR, YOU SHOULD EMPHASIZE DESIRABILITY FNM ITSELF REQUESTING AAR TO EMBARGO FURTHER SOUTHBOUND MOVEMENTS TO US GATEWAYS ( ALL, NOT JUST LAREDO) TO PREVENT FURTHER ACCUMULATION OF CARS IN BOTTLENECK. SUCH A REQUEST COULD BE FOR A LIMITED TIME PERIOD ( ONE WEEK, TWO WEEKS, ETC.) WHICH WOULD GIVE FNM A BREATHING SPELL THAT IT SHOULD FIND BENEFICIAL. EVEN THOUGH THIS WOULD SUBJECT FNM TO LOCAL CRITICISM, IN OUR VIEW SUCH AN ACTION WOULD BE BENEFICIAL TO MEXICANS AS IT WOULD BE UTILIZING A DEVICE UNDER THEIR OWN CONTROL AT THIS POINT IN TIME.

4. DEPT CONCURS WITH EMBASSY DECISION NOT TO COMMUNICATE EXCLUSION OF PERISHABLES AND FOODSTUFFS FROM ANY POSSIBLE EMBARGO ICC MIGHT IMPOSE. SUGGEST YOU CONTINUE WITHHOLDING THIS INFORMATION IN EXPECTATION THAT GOM MIGHT ITSELF REQUEST SUCH AN EXCLUSION. HOWEVER, YOU SHOULD ALSO BE AWARE THAT IN ICC'S MIND TERM " PERISHABLES AND FOODSTUFFS" DOES NOT INCLUDE GRAIN IN VIEW OF LARGE NUMBER GRAIN CARS BACKED UP AT LAREDO.

5. WE HAVE SOUGHT CLARIFICATION FROM ICC AS TO MEANING OF SECOND SENTENCE, THIRD FROM LAST PARAGRAPH, REFERENCE TO " DAILY RETURN OF APPROXIMATELY 300 FREIGHT CARS" AND ARE ADVISED THAT IMPLICIT THEREIN IS THAT THERE MUST BE A SUBSTANTIAL NET RETURN.

6. WE AND ICC ARE HAPPY THAT EMBASSY IS SUPPLYING DAILY MOVEMENT FIGURES FROM FNM AS THIS PROVIDES A CHECK AGAINST DATA AAR IS PROVIDING ICC PERIODICALLY. ROGERS  
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\*\*\* Current Handling Restrictions \*\*\* n/a

\*\*\* Current Classification \*\*\* LIMITED OFFICIAL USE

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 11 MAY 1973  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** worrelsw  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1973STATE090179  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** ERO' CONNOR: VLV  
**Enclosure:** n/a  
**Executive Order:** n/a  
**Errors:** n/a  
**Film Number:** n/a  
**From:** SECSTATE WASHDC  
**Handling Restrictions:** n/a  
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**Line Count:** 110  
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**Office:** ORIGIN EB  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
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**Page Count:** 3  
**Previous Channel Indicators:**  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 73 MEXICO 3259 AND 3205  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** worrelsw  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 01 AUG 2001  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <01-Aug-2001 by elyme>; APPROVED <15-Aug-2001 by worrelsw>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** <DBA CORRECTED> mcm 980130  
**Subject:** RETURN OF US RAIL CARS  
**TAGS:** ETRN, MX, ETRN  
**To:** MEXICO  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005